

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) Criminal No. 05-30044-MAP
)
v.)
)
)
JOSE CRUZ,)
Defendant.)

MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America, by and through its undersigned attorneys hereby files this memorandum. The government provided a copy to Attorney Kevin Murphy, counsel for Defendant, on November 14, 2005.

1. The Government has provided or made available all of its discoverable information. There are no outstanding discovery requests from the Defendant in this case.
2. The parties do not anticipate additional discovery as the result of future receipt of information.
3. The defendant does not intend to raise a defense of insanity or public authority.
4. The Defendant has not provided notice of alibi.
5. It is unlikely that the Defendant will file a motion to dismiss, or suppress, or other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).
6. It is not necessary to schedule any matter in the case other than a Pretrial Conference.

7. The parties are currently engaging in plea negotiations, and the parties anticipate this case to be resolved through a change of plea.

8. The parties agree that 19 days have run on the Speedy Trial Clock.

9. In the event that a trial is necessary the trial will last approximately 4 days.

10. A date convenient with the Court should be established for Pretrial Conference.

Filed this 17TH day of November, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Paul Hart Smyth
PAUL HART SMYTH
Assistant United States Attorney

Kevin Murphy, ESQ.
Counsel for Jose Cruz

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
November 14, 2005

I, Paul Hart Smyth, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing, via facsimile service to Attorney Kevin Murphy, counsel of record.

/s/ Paul Hart Smyth

PAUL HART SMYTH
Assistant U.S. Attorney